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## Symposium

### Building Cooperation Across Communities

#### Property Rights and Land Use Controls: Balancing Private and Public Interests

Mark W. Cordes ..... 629

*Among the many competing interests in the field of land use controls, there is perhaps none more fundamental than the potential conflict between the rights of private property owners and the rights of the general public. Recent years have seen a substantial debate over how to balance these interests. This debate has included the emergence of a property rights movement in response to the increasing emphasis on protecting environmentally sensitive land. This article first examines the current constitutional balance drawn by the Supreme Court, which weighs heavily toward protection of private interests with regard to the right to exclude others and protect current uses of land while considering the public interest when regulating future or potential uses. The article then discusses five principles drawn from our legal tradition that should shape how the balance is drawn. It concludes by evaluating whether the current constitutional balance between private and public interests in land is a fair one, suggesting that fairness concerns are met even when environmental controls result in substantial diminution in property values*

#### Preserving Farmland, Creating Farms, and Feeding Communities: Opportunities to Link Farmland Protection and Community Food Security

Neil D. Hamilton ..... 657

*This essay was prepared for the Northern Illinois University College of Law's eighth annual symposium on land use entitled Building Cooperation Across Communities. The essay initially identifies three premises, specifically, farmland preservation, the structural changes in farm organization, and the changes in society's relation to food and agriculture. The essay then goes on to consider how the goals and values involved in each of these three areas overlap, and the resulting policy issues and questions that arise from the interplay of these issues.*

## Articles

### The Law School Compensation Systems at Three Top Quartile Law Schools: Factors Correlating with Law Professors' Salaries and Suggestions

Bruce D. Fisher and Paul Bowen . . . . . 671

*This article is a study of the factors which may impact the salary levels of law professors. The authors employ various methods of statistical analysis to determine what association, if any, a variety of factors have to the level of a law professor's salary. These factors include the quality of the faculty, the amount of legal scholarship produced by professors, the seniority of faculty members and their gender. After examining the impact of these factors on the salaries of law professors, the authors then proceed to make several observations and recommendations for streamlining the salary levels of law professors.*

### The Wisconsin Bear Arms Amendment and the Case Against an Absolute Prohibition on Carrying Concealed Weapons

Christopher R. McFadden . . . . . 709

*In November 1998, the voters of Wisconsin established a constitutional right to keep and bear arms. The Wisconsin Legislature framed and sent to the voters a broadly worded constitutional amendment that created an individual right to keep and bear arms for defense, security, hunting, recreation, or any other lawful purpose. It was designed to repeal and prevent the subsequent re-enactment of unreasonable prohibitions of that right, including the state's current sweeping prohibition of the liberty to carry concealed weapons at any time or place or in any manner. In light of this legislative history and voter understanding of the amendment, this article argues that Wisconsin Statute Section 941.23, an 1872 law that prohibits all law-abiding citizens from carrying concealed weapons, should be found unconstitutional. The article goes on to suggest that in place of Section 941.23, the Legislature remains free to enact reasonable time, place, and manner restrictions that will protect the public safety while still respecting the constitutional rights of its citizens.*

## Comments

### The Right to Representation by Counsel in University Disciplinary Proceedings: A Denial of Due Process of Law

Robert B. Groholski . . . . . 739

*This comment argues that university students who face suspension or expulsion for disciplinary reasons, as opposed to academic dismissal, are entitled to have retained legal counsel represent them as an element of procedural due process. The article begins with a general discussion of the jurisprudence that has developed concerning the Fourteenth Amendment's Due Process Clause. Utilizing both federal and state court decisions, the comment then demonstrates that university students hold protected liberty and property interests in their collegiate educations or degrees such that the procedural protections of the Due Process Clause are triggered when students face disciplinary suspension or expulsion. The article then proceeds to examine the present state of the law and the rationale which courts have articulated in concluding that students*

*generally have no right under the Due Process Clause to have retained legal counsel represent them at disciplinary hearings conducted by public universities. Finally, applying the established factors for determining the scope of procedural protection to be accorded a person when a protected interest is jeopardized, the author argues that due process commands that legal counsel be permitted to represent students at university disciplinary hearings because of the enormous importance of education and the existence of a substantial risk that students may be erroneously suspended or expelled when not represented by counsel.*

**Executive Privilege Or Punishment? The Need to  
Define Legitimate Invocations and Conflict  
Resolution Techniques**

**Mark P. Doherty ..... 801**

*This comment describes justifications for the doctrine of executive privilege and then examines various arguments against its legitimacy and use. This comment then reflects on several historical invocations of the privilege and the ensuing public, political, and judicial reactions. Finally, the author suggests that Congress implement guidelines for legitimate invocations of the executive privilege and outlines an effective system to safeguard this constitutional executive prerogative.*